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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,832	02/09/2004	Douglas L. Sevey	826.001	9783
7590 08/12/2004				
Andrew S. McConnell Boyle, Fredrickson, Newholm, Stein & Gratz, S.C. Suite 1030 250 E. Wisconsin Avenue Milwaukee, WI 53202		EXAMINER TORRES, ALICIA M		
		ART UNIT PAPER NUMBER		
		3671		

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,832

Applicant(s)

SEVEY, DOUGLAS L.

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/25/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Objections

1. Claim 14 is objected to because of the following informalities: the vertically aligned pivot pins together will not create one second, horizontal axis. They will define two horizontal axes or a vertical pivot plane. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2, 9, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Barry et al., hereafter Barry.

In regards to claim 1, Barry discloses an accessory mounting system for interconnecting an accessory with a vehicle, comprising:

at least one link member (16);

a vertical pivot member (46) mounted to the link member (16) for horizontal movement, wherein the accessory (10) is interconnected with the vertical pivot member (46); and

a mounting member (32) interconnected with the vehicle (12) for vertical movement, wherein the link member (16) is interconnected with the mounting member (32).

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4. In regards to claims 2, 9, Barry discloses a system for mounting an accessory to a vehicle, comprising:

a linkage arrangement (46) defining an inner end and an outer end;

an accessory (10) mounted to the outer end of the linkage arrangement (46) for pivoting movement about a first vertical axis (56); and

a linkage mounting arrangement (18) for mounting the inner end of the linkage arrangement (46) to the vehicle (12) for pivoting movement about a second vertical axis (52) spaced from the first vertical axis (56), wherein the linkage arrangement (46) is constructed and arranged to provide vertical movement of the accessory (10), as per claim 2; and

wherein the inner end of the linkage (46) is mounted to a side of the vehicle (12), as per claim 9.

5. In regards to claims 13-15, Barry discloses a system for mounting an accessory (10) to a vehicle (12), comprising a linkage (16, 32) having a first, vertical axis (52) of rotation and a second, horizontal axis (at unnumbered pin, at the top of cylinder and piston 34, 36) of rotation, wherein the first axis (52) is defined by a pivot member (132), as per claim 13; and

wherein the second axis is defined by vertically aligned pivot pins (unnumbered pins located at each end of link 32) mounted within a pivot plate (unnumbered) and mounting structure (18), as per claim 14; and

wherein a biasing member (74, 34, 36) prevents the linkage (16, 32) from free rotation about the first (52) and second axes (unnumbered), as per claim 15.

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6. Claims 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Warfield, III.

Warfield discloses a device wherein the following method of manicuring a lawn is inherent, the method comprising:

driving a vehicle (10) having a mowing system (see column 1, lines 9-11) and an accessory mounting system (100);

cutting vegetation with the mowing system;

when an object is encountered, gripping a handle (130) of an accessory (20) mounted to the accessory mounting system (100);

applying pressure to the handle (130) to pivot the accessory (20) toward the ground and away from the vehicle (10);

directing the accessory (20) toward the object via the handle (130); and

cutting the vegetation surrounding the object with the accessory (20), as per claim 16;

wherein the vehicle driver directs the accessory (20) toward the object while remaining in the vehicle seat, as per claim 18; and

wherein the vehicle driver exits the vehicle to direct the accessory (20) toward the object, as per claim 19.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry in view of Parsons, Jr., hereafter Parsons.

The device is disclosed as applied to claim 2 above. However, Barry fails to disclose wherein the linkage mounting arrangement is constructed and arranged to enable the linkage arrangement and the accessory to be moved to either a first side of the vehicle or a second side of the vehicle, as per claim 3;

wherein the inner end of the linkage is mounted to the rear of the vehicle, as per claim 8;

wherein the linkage mounting arrangement is constructed and arranged to enable the linkage arrangement and the accessory to be extended to either a first side of the vehicle or a second side of the vehicle, as per claim 12.

Parsons discloses a similar attachment wherein the linkage mounting arrangement (30, 29, 52) is constructed and arranged to enable the linkage arrangement (26) and the accessory (41) to be moved to either a first side of the vehicle (20) or a second side of the vehicle (20), as per claim 3;

wherein the inner end of the linkage (26) is mounted to the rear of the vehicle (20), as per claim 8; and

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wherein the linkage mounting arrangement (26) is constructed and arranged to enable the linkage arrangement (26) and the accessory (41) to be extended to either a first side of the vehicle (20) or a second side of the vehicle (20), as per claim 12.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rear mounting of Parsons on the device of Barry in order to make use of a traditional three-point hitch.

9. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry in view of Sorenson et al., hereafter Sorenson.

The device is disclosed as applied to claim 1 above. However, Barry fails to disclose wherein:

the linkage arrangement comprises an upper link member and a lower link member;
the inner end comprises upper and lower brackets, pivot plates, and pivot pins;
the outer end comprises upper and lower brackets, pivot plates, and pivot pins; and
the outer end further comprises a vertical pivot bar, as per claim 4; and
wherein the orientation of brackets, pivot plates, and pivot pins on the inner end allows the link members to pivot vertically, as per claim 5; and
wherein the vertical pivot bar allows the accessory to move horizontally, as per claim 6;
wherein the pivot bar comprises a vertically oriented bar having a cylindrical sleeve thereover, as per claim 7.

Sorenson discloses a similar attachment wherein:

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the linkage arrangement comprises an upper link member (152) and a lower link member (154);

the inner end comprises upper (148) and lower (150) brackets, pivot plates (unnumbered plates through which pins 156, 158 extend through), and pivot pins (156, 158);

the outer end comprises upper (in plate 160) and lower (in plate 160) brackets, pivot plates (not shown), and pivot pins (164, 166); and

the outer end further comprises a vertical pivot bar (107), as per claim 4; and

wherein the orientation of brackets (148, 150), pivot plates (unnumbered), and pivot pins (156, 158) on the inner end allows the link members (152, 154) to pivot vertically, as per claim 5; and

wherein the vertical pivot bar (107) allows the accessory (168) to move horizontally, as per claim 6; and

wherein the pivot bar comprises a vertically oriented bar having a cylindrical sleeve thereover, as per claim 7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the vertical pivot bar of Sorenson on the outer end, as per claim 4, since it has been held that rearranging parts of an invention involves only routine skill in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the linkage arrangement of Sorenson on the device of Barry in order for the tool to follow terrain independently.

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10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry in view of Mullet et al., hereafter Mullet.

The device is disclosed as applied to claim 2 above. However, Barry fails to disclose wherein the linkage arrangement is constructed and arranged to be biased toward a retracted position, as per claim 10; and

further comprising a biasing member to bias the linkage arrangement toward a retracted position, as per claim 11.

Mullet discloses a similar attachment wherein the linkage arrangement (60, 40, 26) is constructed and arranged to be biased toward a retracted position (with tension spring 98), as per claim 10; and

further comprising a biasing member (98) to bias the linkage arrangement (60, 40, 26) toward a retracted position, as per claim 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the biasing device of Mullet on the attachment of Barry in order to prevent unwanted engagement of the tool.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warfield, III in view of Mullet et al, hereafter Mullet.

The method is disclosed as applied to claim 16 above. However, Warfield, III fails to disclose the method further comprising releasing the handle after using the accessory to return the accessory to a retracted position.

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Mullet discloses a similar device comprising releasing the handle (42) after using the accessory (30) to return the accessory (30) to a retracted position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the accessory return of Mullet on the device of Warfield, III in order to prevent unwanted engagement of the tool.

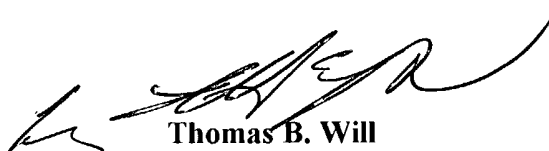
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. James, Parsons, Jr., and Truax et al. have been cited as of interest.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
August 5, 2004